



July 7, 2020

To the Honorable Council
City of Norfolk, Virginia

Re: An Ordinance to Relocate the Confederate Monument from the Public
Right-of-way of Commercial Place to Elmwood Cemetery

Dear Ladies and Gentlemen:

Attached is an ordinance authorizing the relocation of the Confederate Monument from the Public Right-of-way of Commercial Place to an appropriate location in the Elmwood Cemetery.

The ordinance also allows for the Monument to be accepted for location and placement by a museum, historical society, government, or military battlefield, as required by the amended state statute that just became effective on July 1, 2020. In the event that such a proposal is submitted, the City Manager would be authorized to negotiate a contract for its relocation but would be required to bring the agreement to the City Council for review prior to its execution.

Finally, in accordance with the amended state law, the final relocation cannot be accomplished sooner than 30 days after adoption of this ordinance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. A. Pishko".

Bernard A. Pishko
City Attorney

Recommendation: Adopt Ordinance

Form and Correctness Approved: *BAP*

Contents Approved:



By: _____
Office of the City Attorney



By: _____
DEPT. City Attorney's Office

NORFOLK, VIRGINIA

Ordinance No.

AN ORDINANCE TO RELOCATE A SCULPTURAL MONUMENT COMMEMORATING SOLDIERS WHO DIED FIGHTING FOR THE CONFEDERACY FROM THE PUBLIC RIGHT-OF-WAY OF COMMERCIAL PLACE AT ITS INTERSECTION WITH EAST MAIN STREET TO A NEW LOCATION WITHIN ELMWOOD CEMETERY IN THE CITY OF NORFOLK.

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WHEREAS, a certain sculptural monument commemorating soldiers who died fighting for the Confederacy has been located in the right-of-way of Commercial Place at its intersection with East Main Street in the City of Norfolk (hereinafter "Monument");

WHEREAS, the Monument consists of a stone base, a column-shaped pedestal, relief carvings, and a statue depicting a soldier of the former Confederate army holding a battle standard in one hand and a short saber in the other, including, on the south side of the Monument's base, a copy of the seal of the former Confederacy with the words, "The Confederate States of America, 22 February 1862" and, on the north side of the Monument's base, an inscription that reads, "Our Confederate

Dead" and "1861-1865," being the starting and ending years for the Civil War;

WHEREAS, the Monument was erected and dedicated in 1907 and the Norfolk City Council appropriated funds to contribute to the cost of its construction and installation, is owned by the City of Norfolk (hereinafter "City"), and has been situated on property that the Norfolk City Council has opened for use by the public as a public right-of-way;

WHEREAS, the Monument is known to offend many citizens of Norfolk and visitors to the City and has grown to become a source of divisiveness;

WHEREAS, prior to July 1, 2020, state law did not clearly permit the relocation of the Memorial and the City and City Council filed suit in federal court seeking to invalidate the restrictions on relocation that were set forth in state law prior to July 1, 2020;

WHEREAS, by Resolution Number 1,678, dated August 22, 2017, the Norfolk City Council expressed its desire to relocate the Monument to the Elmwood Cemetery in the City of Norfolk as soon as state law would clearly permit it;

WHEREAS, on July 1, 2020, changes to state law became effective allowing localities, such as the City, to relocate monuments or memorials for the veterans of any war or conflict, such as the Monument, not less than 30 days following conduct of

a public hearing at which interested persons may present their views on the question of relocation;

WHEREAS, said state law effective on and after July 1, 2020 authorizes localities, such as the City, to offer monuments or memorials for the veterans of any war or conflict, such as the Monument, for location and placement by and in any museum, historical society, government, or military battlefield;

WHEREAS, the Norfolk City Council hereby reaffirms and restates its desire to relocate the Monument to an appropriate location in the Elmwood Cemetery; and

WHEREAS, notice of a public hearing inviting interested persons to present their views on the question of whether the Monument should be relocated to Elmwood Cemetery in the City of Norfolk, to be held at 6:00 p.m. on Tuesday, July 7, 2020, was advertised and published on June 5, 2020 in the Virginian-Pilot, which is a newspaper having general circulation in the City; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That said Monument shall be removed from the right-of-way of Commercial Place at its intersection with East Main Street and relocated to an appropriate location in the Elmwood Cemetery in the City of Norfolk no sooner than 30 days after the date of adoption of this ordinance and, further, that said relocation may result in reducing the elevation or height of the Monument by removing portions of the stone base and column-shaped pedestal, including one or more of the relief carvings thereon, so that it fits appropriately and compatibly with the surroundings at its place of installation in the Elmwood Cemetery.

Section 2:- That, in the event that any museum, historical society, government, or military battlefield shall propose to take possession of the Monument for location and placement by and in such museum, historical society, government, or military battlefield prior to its relocation and reinstallation in Elmwood Cemetery, the City Manager is authorized to negotiate an appropriate agreement, which shall not be executed unless and until approved by the Norfolk City Council.

Section 3:- That this ordinance shall be in effect from the date of its adoption.